



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,969	04/04/2004	Robert Clarence LaLonde		2968
39827	7590	09/11/2007		
ROBERT C. LALONDE 3118 EXETER ROAD AUGUSTA, GA 30909			EXAMINER DEBNATH. SUMAN	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,969	LALONDE ET AL.	
	Examiner	Art Unit	
	Suman Debnath	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 4-15 are pending in this application.
2. Claims 1-3 are cancelled.
3. Claims 4-15 have been newly presented in the amendment filed 7 July 2007.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 4-7 and 12-15 are rejected under U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The examiner asserts that the limitation of claims 4-7 raise a question as to whether or not the, the limitation actually claims the program or not. In particularly, independent claim 4 recites, "A computer implemented system" which could be a program/software/set of instructions. The claims would have established a statutory category of the invention if the program recited in the claims were stored on an appropriate medium and perform the function recited on the body of the claims when the program is read and executed by the computer/processor. However, the above claims are simply a computer implemented system which could be a software and thus do not clearly establish a statutory category of the invention.

Independent claim 12 recites, "A computer readable storage medium containing computer instructions for reducing unwanted email, wherein the computer instructions comprise." The claims would have established a statutory category of the invention if

Art Unit: 2135

the computer instructions recited in the claims were stored on an appropriate medium and perform the function recited on the body of the claims when the computer instructions is **read and executed by the computer/processor**.

Therefore the claims 4-7 and 12-15 are a program per se and don't fall within the statutory classes listed in 35 USC 101. The language of the claim(s) raises a question whether the Claim is directed merely to an abstract idea that is not tied to an environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject-matter under 35 U.S.C. 101. (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, 1760).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyda (Pub. No.: US 2003/0233415 A1).

8. As to claim 4, Beyda discloses a computer implemented system for reducing unwanted email (abstract) comprising: a means for providing a temporary email address

Art Unit: 2135

to a user ([0005], see also [0016], [0028], [0030]); a means for forwarding an email addressed to the temporary email address to a forwarding email address for the user ([0020], see also [0031]); and a means for deleting the temporary email address ([0033], see also [0005], [0018], [0028]).

9. As to claims 8 and 12, these are rejected using the same rationale as for the rejection of claim 4.

10. As to claim 5, Beyda discloses wherein: the means for deleting the temporary email address comprises: a means for expiring the temporary email address ([0028], see also [0033]).

11. As to claims 9 and 13, these are rejected using the same rationale as for the rejection of claim 5.

12. As to claim 6, Beyda discloses wherein: the means for deleting the temporary email address comprises: a means for allowing the user to delete the temporary email address ([0033]).

13. As to claims 10 and 14, these are rejected using the same rationale as for the rejection of claim 6.

Art Unit: 2135

14. As to claim 7, Beyda discloses wherein: the system further comprises: a means for providing a forwarding rule corresponding to the temporary email address ([0005], [0028], see also [0018], [0035]); and the means for forwarding only forwards the email destined to the temporary email address when it corresponds to the forwarding rule for the temporary email address ([0005], [0028], see also [0018], [0035]).

15. As to claims 11 and 15, these are rejected using the same rationale as for the rejection of claim 7.

16. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

17. Applicant has cancelled claims 1-3 and newly presented claims 4-15, which necessitated new ground of rejections. See rejection above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

- US 2004/0205173 A1 – Method for reducing the receipt of unsolicited bulk e-mail and providing anonymity to an email-user.
- 2002/0138581 A1 – System and method for creating and managing forwarding email address.
- 2004/0111480 A1 – Message screening system and method.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

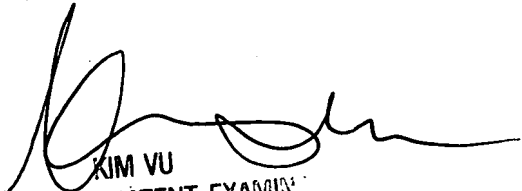
Art Unit: 2135

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LD
SD


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100